

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

CHRISTOPHER PETERSON,

Plaintiff,

Docket No. 3:19-cv-812

Judge Richardson/Brown

Jury Demanded.

ORDER

A Case management Conference was held in this case on November 18, 2019. Unfortunately, Ms. Decker has not been served and JJD Marks, Inc, claims no involvement with the photograph in question. Counsel for the plaintiff should have advised the court of the non-service and requested a delay in the conference. Service must be completed within 90 days or the case is subject to dismissal as to that defendant. Counsel present at the conference took a recess to discuss the matter. They are directed to provide a status report concerning service by this Friday. Once service is completed on Ms. Decker the parties must notify the court and submit a new proposed scheduling order to Brownchambers@tnmd.uscourts.gov in word or word perfect format. At that time, I will be set a further conference either in person or by telephone to enter the scheduling order. The current position of the parties is as follows:

1. Jurisdiction:

- a. This claim arises under the Copyright Act, 17 U.S.C. § 101 et seq., and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). Upon information and belief, this Court has personal jurisdiction over Defendants because Defendants resides and/or transacts business in Tennessee. There is no dispute over personal or subject matter jurisdiction

2. Plaintiff's theory of the case:

- a. Copyright Infringement of Plaintiff's copyrighted photograph of American country pop singer-songwriter Jesse James Decker that appeared on Defendant's Instagram Story. Plaintiff seeks statutory damages and attorney's fees for willful copyright infringement

3. Defendant's theory of the case:

- a. As of the date of the Initial Case Management Conference, Jessie James Decker has not been served with process. Defendant JJD Marks, Inc. is a company which owns various trademarks and other intellectual property and has no involvement with any of the actions alleged to have occurred in this case.

4. Consent to Magistrate Judge: The parties do not consent to a trial by a magistrate judge.

5. Given the fact this is a single photograph the parties are encourage to see if they can resolve this case before costs of litigation exceed the value of any alleged harm.

It is so Ordered

/S/ Joe B. Brown

JOE B. BROWN

United State Magistrate Judge